Supreme Court rejects Rosenberg appeal. What you must do to save two lives. See page 2.
D. N. Pritt: The truth about the Rosenberg trial. Read it and pass it around. See page 4.

The roar is loud in Premier Malan's ears

South Africans in Johannesburg protest against the government's Apartheid (jim-crow) laws. Last week came a new turn: the Union's highest court ruled against Malan's attempt to usurp its power by setting up the Malan-controlled parliament as the court of last appeal. The Premier's segregation laws have been repeatedly over-ruled in the courts.

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WAR & PEACE

Small nations press U.S. to break deadlock on Korea

ON Saturday chairman Joao Carlos Muniz (Brazil) of the UN General Assembly's Political & Security Committee reminded delegates that after nearly a month in session they were not even half way through item 1 on their nine-point agenda. That item was Korea: more than ever it dominated world news, yet no progress could be made until Washington's intentions became clearer—possibly after the impending trip to the war front of President-elect Eisenhower. The world sought clues in these statements:

- **Deputy Defense Secy. Foster, after a 24-day tour of U.S. bases and strategic areas, said military leaders in Korea "despaired of attaining a negotiated peace" (N.Y. Times, 11/11).**
- **Chiang Kai-shek was demanding "that his U.S.-equipped Nationalist soldiers be permitted to invade Red China" (UP, 10/24).**
- **NYT military analyst Hanson Baldwin (11/12) admitted U.S. disgust with the war and that "much of Western Europe would like to see it ended, too, even at the risk of UN concessions." But reflecting the pressure for "Asians fighting Asians" to relieve manpower pressure on the U.S., he said "the Japanese [are as] vital to the defense of that Continent [as] the Germans . . . to defense of the West." On the possible reactions of other Asians —including S. as well as N. Koreans—to use of Japanese troops against any one of them, he offered no comment.**
- **N.Y. Herald Tribune columnist Walter Millis (11/10) said the central problem for the U.S. was to decide how to "apply firepower" so that Chinese and N. Koreans would throw up their hands.**
- **Columnist Robert Allen reported (11/13) that beside urging use of Chiang's troops, Gen. Mark Clark will tell Eisenhower "A-bombs may be required to break the military deadlock."**

In the midst of all this the Atomic Energy Commission announced successful advances in the know-how of killing more people faster: an explosion believed to be the H-bomb was set off Nov. 1. Chiang UN delegate Dr. Tsiang doubted if this would "simplify the long-deadlocked UN disarmament negotiations."

"THEY WALKED BACK": U.S. casualties reached a new weekly high for the year in what had been "the second bloodiest engagement in the 28 months of the war" (**Newsweek**, 11/10). The battle had started as a mass attack by U.S. forces (**NYT**, 10/14, **Newsweek**, 11/17) on several sectors, either to test the other side's strength or probe for weak spots; but counter-attacks had left the front line virtually where it was, apparently with no attempt being made to pursue the UN forces. In a letter to his mother in Brooklyn written shortly before he died in battle (N.Y. **Mirror**, 11/13) Pvt. Mario Maniscalco wrote:

If they wanted to, they could run us clear to the tip of Korea. . . . [On Oct. 26] the Chinese sent one platoon, that's 50 men, against the company on our right

Gabriel in Daily Worker, London

"I've been over his speeches, and his solution appears to be to open a Second Front in the West!"

(Continued on Page 7)

LABOR

What's ahead for workers of America under the GOP

By Victor Perlo

AMERICAN workers are to get a Republican Administration after these setbacks under the Truman Democrats:

- **Falling living standards—according to Union Research & Information Service, $148 per year since 1949.**
- **Anti-labor legislation — Taft-Hartley, wage freeze, McCarran and Smith Acts used against labor. The injunction is back; the employers' blacklist is back, made more effective by its operation through the FBI and the "loyalty" program.**
- **More splitting of the unions; stopping of growth in membership.**
- **Collaboration of most top labor leadership in a war program which is anti-labor on a world scale.**

These losses destroyed the illusions of workers in the Democratic Party, left them without an effective political program in 1952. A CIO survey showed official backing of Stevenson was ignored by 35% of industrial workers, 50% of their wives, contributing heavily to Eisenhower's election.

Yet far from losing their fighting spirit, workers have been defending their conditions and unions in the most sustained strike movement in U.S. history. The number of strikers annually rose from 364,000 in 1925-29, to 1,130,000 during the CIO organizing period 1935-39, to 2,834,000 in 1946-50, and to 3,560,000 in the first 9 months of 1952. With this resistance in the third year of Korea, despite T-H, wage-freeze and Smith Act indictments, labor seems unlikely to roll over for Ike.

RICH MEN'S BANKROLLS: Union publications and spokesmen indicate labor faces serious threats:

- **Lower living standards through a national sales tax, continued wage-freeze, and development of a direct wage-cutting campaign by employers.**
- **Smashing of unions through more severe anti-labor legislation, more regular use of T-H injunctions, more strike-breaking violence, more red herrings and Negro frame-ups.**
- **Continually looming depression and mass unemployment—put off but not eliminated by the Korean War.**
- **The overriding threat of World War and atomic destruction.**

Labor, organ of the Railroad Brotherhoods, writes (11/8):

Now Power, Oil and Other "Special Interests" Will Seek to Clean Up on Investments. . . . The Taftites and Byrdites would go farther in the direction of protecting the rich man's bankroll. THERE IS TALK ON CAPITOL HILL OF A FEDERAL SALES TAX. Will the new President have courage enough to resist that kind of iniquitous proposal?

[Taft] can command overwhelming majorities in both Houses for drastic anti-labor suggestions. WILL IKE GO ALONG? Time will tell.

So Tuesday's election has given us the most reactionary administration since Harding won in 1920, after the First World War.

VETO-LESS REACTION: Russ Nixon, Legislative Director of the United Electrical Workers, told the GUARDIAN:

Congress will continue to be controlled by the same Republican-Dixiecrat coalition that has controlled for many years. The main difference will be that Eisenhower will not even go through the motions of vetoing the worst legislation, as Truman did.

Nixon cautioned against the idea that Republican campaign promises to end controls mean the automatic end

of the wage freeze:

Last time the N.A.M. and the C. of C. talked against controls, but in practice the Republicans voted for their extension, while weakening price and rent controls. The same kind of manoeuver can be repeated in the next session.

Main likelihood of the ending of wage controls will be if the employers see the possibility of putting over widespread wage-cuts. Attempts to do this have been spreading, and haven't received enough notice. The textile industry is one example. Another is the Intl. Harvester strike, where the company is trying to put over a big wage-cut disguised as re-classifications.

IS IT PEACE? The **Journal of Commerce** (11/12) posed the "dilemma" facing labor leadership:

The first important decision will be theirs. Are they to make peace with the new Administration or should they cast the die in favor of greater militancy?

Business executives were confident of the decision. The **Wall St. Journal** found their post-election optimism most widespread in the field of labor relations, and quoted W. W. Sebald, pres. of Armco Steel (11/6):

"This election will have a tendency to bring about better leadership in some of our international unions. The results should be a better understanding between labor and management, more production, and lower costs."

Grounds for their confidence appeared in the congratulatory telegram of AFL pres. William Green to Eisenhower, and the **AFL News Reporter** editorial (11/7) offering "cooperation" and talking of the need to "close ranks" against the "implacable enemy abroad." Most CIO leaders, and John L. Lewis, withheld comment; but Walter Reuther —now angling for the late Philip Murray's job—echoed Green in a call for Democrats and Republicans to close ranks:

"Every American must recognize that there is no partisan answer to the great challenge which faces the free world in this period of crisis." (Fed. Press, 11/7).

TIME FOR UNITY: Despite these labor leaders cuddling up to the Republicans, the election of Eisenhower and the death of Murray have unsettled old relationships, created a new fluidity within the movement. At lower levels, and among independent unions, there

(Continued on Page 3)

When your best friends ask

"What we look forward to under Eisenhower—what is the job for progressives?"

TELL THEM

"You should be reading NATIONAL GUARDIAN. Let me enter your sub today."

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THE MAIL BAG

Returns

NEW YORK, N. Y.

Democrats lose
Republicans win
The worms crawl out
And the worms crawl in. . . .

L. G.

The carpenters' view

SPOKANE, WASH.

Defeat of such anti-labor stalwarts as Sens. Lodge and Cain disproves claims that Joe and Mary Worker bought tickets last Tuesday for a return to the Middle Ages. True, they decided it was high time to hop off Harry's dead-end express. However, all the other carpenters on my job agree that Ike's landslide was piled up through his last-minute promise to end the war. All agree this is the big issue before most people today. All are fearful of an early double-cross by the new Peace President.

Republican Gov. Langlie of Washington won re-election handily when his opponent, Hugh Mitchell, shelved his public power program in an eleventh-hour attempt to out-redbait the incumbent. The voters turned thumbs down, too, on Al Canwell, former head of the local witch-hunt, who hoped to ride back into office on the current fear cloud. In the race for Congressman-at-Large, Canwell lost to a political novice, only Washington Democrat elected to the House of Representatives.

The press here utterly ignored the Progressive campaign.

Paul R. Emerson

He chose his side

NEW YORK, N. Y.

Once again Marcantonio and the other courageous leaders of our PP are proven absolutely right. "A vote for Hallinan is the only vote NOT thrown away." The liberals and weak-hearted progressives cried hysterically: "A vote for Hallinan is a vote for Eisenhower." Do they now think they helped to stem the tide?

On hearing the news of the landslide, I felt exactly as I did when the radio announced the death of F.D.R., a sinking at the pit of my stomach, and in my mind the question: "God! What now?" A few hours later when thinking returned to normal it became obvious how my vote for Hallinan meant a vote to hold back reaction, union-busting and war. My conscience is clear. I know which side I'm on. M. T.

P.S.: The 65 cents a week I used to spend for the N.Y. Compass is now being put aside for the best damned paper in the U.S.A., the NATIONAL GUARDIAN.

The choice

RIO LINDA, CALIF.

Elbert Hubbard said: "God must have loved the fools, he made so many of them." Be that as it may, it seems a tragedy that the Omnipotent should decide to distribute most of them through the U.S. This is substantiated by the results of the recent general election. The citizens had the opportunity to decide on what the fate of the nation should be: peace and progress, or fascism and war. They have unwittingly chosen fascism and war. Robert Scherlie

How crazy can you get dept.

When a passerby saw two men waving red flags yesterday from a rowboat in the East River . . . he called police. Four radio cars and a police launch responded. . . . The men were Consolidated Edison workers who were signalling to surveyors on shore, preparatory to the laying of a cable from the Bronx to North Brothers Island.

—N.Y. Daily Mirror, Nov. 7.

One-year free sub to sender of each item printed under this heading. H.A. sender of above, writes: "If printed, I'll still pay for my sub."

$5—plus an X

MONTROSE, COLO.

The enclosed five bucks I won on an election bet. I bet on Eisenhower just like I bet on a storm—not because I wanted him but because the weathervane pointed that way. I didn't vote the way I bet, however, for I placed my X for Hallinan, peace and decency.

Pearl Cline

The price

CHICAGO, ILL.

When the American people understand the price they paid to get rid of Truman they will wake up and realize the fatal mistake they made.

Whether or not we get rid of his insane foreign policy remains to be seen.

Reactionary fascism with the "Man on Horseback" to lead them into a big, terrible war or a depression is much too high a price to pay; not to mention the loss of all their social gains for the last 20 years and their civil liberties plus thought control and super witch-hunts and smears.

After four years of it they will be ready to vote for socialism and maybe even communism.

Jeremiah Bishop

Poster-paster tips

SAN FRANCISCO, CALIF.

A doctor friend of mine and I went out recently putting up IPP posters. We found that it was a lot less trouble and less sticky to use a pail of flour-water instead of the canned milk vogue (which started in Seattle). Also less expensive!

Another tip — use magnetized hammers (sold in 5 & 10c stores) for those hard-to-reach areas on telephone poles. When putting up posters we also found that, by using a short kitchen stool on top of an old car, and getting the car in close enough to the pole to reach, we could lessen chances of vandals tearings our posters down.

Bill Cronan

Remolding job

LANSING, MICH.

Have you seen Collier's Nov. 8 issue? Article: "Why Half Our Combat Soldiers Fail to Shoot." To correct this, the article states: "Our only chance to move forward is to remold the human material."

This remolding process is starting now in our schools. Last week our P.T.A. purchased a picture called "The Young Admiral" to hang on the walls for the elementary children to aspire to. The Boy Scout Movement is being led here in my neighborhood by Hitler-minded people. . . .

It helps to read the GUARDIAN.

Virginia B. Pierce

The Rosenberg Case

BROOKLYN, N. Y.

When the Rosenbergs and Sobell were on trial, from the press accounts I believed them guilty. Never letting myself be dominated by the hysteria that controls this land, I was against the death sentence. To my mind, all they did was illegally aid an ally in wartime.

When I read William A. Reuben's articles in the GUARDIAN I became doubtful of their guilt. After the Court of Appeals upheld their conviction, I noticed that the facts presented in the N.Y. Times and N.Y. Mirror on the case were different. Out of curiosity, I went to the Federal Courthouse at Foley Square to see if I could read the record. I couldn't get it.

After that I read Oliver Pilat's article in the Anti-Defamation League Bulletin of March, 1952, and Mr. Pilat's book The Atom Spies. Both, I find, were distortions of the Rosenberg Committee's purpose; the biggest lie being (and still accepted) that the Rosenberg Committee was trying to convince people that the Rosenbergs were convicted because they were Jews.

I attended a few public rallies and soon after I became a volunteer worker on the Rosenberg Committee. Thereafter I read the trial record. I am now firmly convinced that the Rosenbergs and Sobell are innocent. Irving Schachter

Bolander at work

BALTIMORE, MD.

Here's an inside story on the Rosenberg Case vs. Supreme Court: On the day The Sun printed that the Supreme Court had ruled to not review the case, I called them, raising holy terror, and asked them to give me a story. I enclose questions that I propounded to them. Edwin Young, the editor, told me: "Mr. Bolander, every lawyer in the country is asking the same questions. It is easily the most discussed issue in the country today. I will send a reporter, you give him your story." A reporter came, got the story, but this time no dice. However, I think it did some good as it added my word to the thousands upon thousands of protests.

H. G. Bolander

Remember Walter

WASHINGTON, D.C.

I think it is important that, in discussing the new Immigration Act, it be referred to as the Walter-McCarran Act. It is especially important to keep Walter fully involved with his responsibility for this measure. Cong. Walter is the ranking Democrat on the Un-American Activities Committee; he is the ranking Democrat of the House Judiciary Committee, and of the Democratic Patronage Committee in the House. In other words, he is not someone about whom Truman might say "he is not my kind of a Democrat."

Russ Nixon
UE Washington Representative

Herb Pennock's friends

BELLINGHAM, WASH.

Here is my renewal, wish it could be more. But we have our own little private war on here as our state Pension Union president Herb Pennock is one of the victims of the late Smith Act raids and out on $5,000 bail. Talk of terror tactics! He is 38, college education, left a well paid political job to take the pension job at barely half the former salary. He was re-elected for 10th time at our convention last month without a single dissenting vote. F. I. Munson

Banner line

LONG BEACH, CALIF.

Your paper becomes more desperately needed with each new headline from the daily press! Long may you prosper—the better to give courage to us all.

Ruth Bishop

The mind shrinks . . .

SPRING HILL, KAN.

In We Can Be Friends Carl Marzani says: "Even to me it seems unbelievable that men, human beings, should gamble so recklessly with the peace of the world. Yet record speaks for itself: these men stand condemned out of their own mouths . . . the mind shrinks from its satanic barbarism."

Marzani has forged a mighty weapon for PEACE, one of the great books of our time. It is our job to get it to our people.

Otis W. Johnson (farmer)

Out of harness

LOS ANGELES, CALIF.

In the film Moulin Rouge Jose Ferrer plays the dwarfed artist Toulouse-Lautrec by doing the entire role on his knees in a special harness.

This feat, however, pales against his performance before the Un-American Committee—also on his knees. Herman Charles

It's our own dough

ROCHESTER, MINN.

Perhaps you have noticed that my usual monthly contribution has not been coming in lately. We have had a little hard luck. My wife lost her job and, since my income is my social security alone, we were hard put to get by for a while. But things look better now.

The Truman boys gave us old folks a little raise, as you know, hoping, of course, that we would show our gratitude by voting them back into office. Why we should be grateful to them for giving us back some of our own dough is beyond my comprehension; but, of course, I am not very smart and cannot figure things out like the boys down in Washington. Well, anyhow my wife has a job again (a better one too) and I shall be able to start my monthly tithe again next month. O. S. Cummens

Hand at the pump

FLUSHING, N.Y.

I am a very peace-loving guy and at the moment am pumping gas for a living. But I can get as stubborn as hell when the chips are down on a matter of principle. Herewith, half of my bonus for last month. The Rosenberg Committee will get the rest. Ray Scott

Effel in L'Humanite, Paris

"Hello Washington. . . . This is Marianne. I'd like to say just two words to the new President. . . ."

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REPORT TO READERS

Rosenbergs' last chance: clemency from President

THE REFUSAL of the U.S. Supreme Court to review the "atom spy" convictions and death sentences of Julius and Ethel Rosenberg mandates a course of immediate action by every reader of this paper—by every individual organization and political group we can reach.

From every quarter there must come to the White House an overwhelming appeal to President Truman to commute the savage sentences—to extend executive clemency to these two unoffending young American parents, now facing death within 30 days because of the impossibility of a fair trial and even-handed justice in an atmosphere poisoned by war hysteria.

When their lives have been saved, the fight can go on to vindicate them completely; to show them absolutely innocent of any and every charge lodged against them—indeed, of any wrongdoing other than to oppose in thought, word and deed designs of warmakers against future generations.

THE DECISION to let the Rosenberg convictions stand without review comes at an ironic moment in the careers of some of their tormentors.

In New York, a State Crime Commission probe into connections between gangsters and politicians has just come up with new disclosures of corruption in high places. Witnesses have named the Rosenberg prosecutor, Irving Saypol (now a New York Supreme Court justice), and U.S. Atty. Myles J. Lane (who successfully opposed the Rosenbergs' appeal in the Circuit Court), among a gallery of political figures enjoying what the N.Y. Times calls "all-embracing" friendship with one Thomas Luchese, alias Three Finger Brown, underworld heir-apparent to the notorious Frank Costello as lord of New York's dope, gambling and other rackets.

You can and must see to it that final judgment of peace-loving American parents such as Ethel and Julius Rosenberg shall not be made by such as these. —THE EDITORS

What's ahead for workers under GOP

(Continued from Page 1)

is a striving for unity and for more effective forms of political action. Pres. Frank X. Martel of the Detroit and Wayne County Fedn. of Labor warned:

> "Further anti-labor legislation may force a regrouping of labor's ranks."

The general council of Ford Local 600, UAW—largest unit in the CIO—unanimously proposed to the coming CIO convention that steps be taken to form a Farmer-Labor Party. **UE News** (11/10) editorialized:

> The need for political activity by labor was never greater than today, but it must be united political activity around issues that affect the lives and well-being of organized labor's membership—not as during the past four years, a political tailing after a political party controlled by employers, not working people. . . .

NEW HORIZONS: The struggle for the CIO presidency between exec. vice-pres. Allan S. Haywood and UAW pres. Reuther has most prominence in the publicity preceding the coming CIO convention, postponed to Dec. 1 because of Murray's death. But the issue of labor unity to meet employer-government attacks is the real problem.

FP's John B. Stone reported (11/10):

> Men around pres. John L. Lewis of United Mine Workers were united in belief that events will force a strong movement toward unity. . . . Some top AFL spokesmen said prospects are now better for unity than at any time since CIO was organized in the mid-'30s.

Murray's death removes the factor of personal animosity between Murray and Lewis, which has spurred the estrangement between UMW and CIO.

TWO KEY BATTLES: In the meantime the future of labor is being influenced by immediate battles:

1. **The coal miners case.** Late in October 350,000 soft-coal miners went out to enforce a $1.90-a-day raise negotiated with the employers, from which the Wage Stabilization Board had lopped 40c. After a week, Lewis acceded to Truman's request to call off the strike until after elections. Roger Putnam, the Economic Stabilizer, is now reconsidering. If he turns down the miners, a prolonged strike is in prospect. If the miners win, with or without a strike, it will be the most serious blow yet to the whole wage-freeze structure. (Another blow was Murray's posthumously-issued report to the coming CIO convention, finally calling for an end to wage controls.)

2. **The Intl. Harvester strike,** where 30,000 UE members were out for 3 months at 8 midwestern plants of the farm equipment giant. It was precipitated by the company in what seemed to be a major attempt to smash the largest left-wing independent union. Harvester used every known form of government intervention, engaged in persistent attempts to open plants with strikebreakers, got a $100 million loan from the Morgan-dominated Prudential Life Insurance Co. to finance the long strike.

The workers held out, and with the aid of growing public support from the communities where they lived, finally forced a settlement—subject to membership ratification—on Nov. 16.

Behind the suicide of Abraham Feller

HARVARD-TRAINED lawyer Abraham H. Feller had been an early and prominent New Dealer, held many a high government post in the New Deal era: special asst. to the U.S. Attorney General for six years, consultant to the Natl. Defense Mediation Board and to the Office of Lend-Lease Administration, deputy director and general counsel of the Office of War Information, general counsel to UNRRA.

He was a delegate to the first UN preparatory conference in London in 1945, a year later became UN's general counsel, eventually assumed the additional title of Acting Asst. Secy. Gen. for Legal Affairs. From the start he was one of Secy. Gen. Lie's closest friends and his personal legal adviser. To the N.Y. **Post** (Nov. 14), Feller in his UN career was "a vigorous anti-Communist liberal."

When the Korean war began, Feller was credited with influencing Lie to accept the U.S. decision to send troops.

FELLER'S JOB: Last Oct. 12, long and bitter attacks against the whole concept of the UN from reactionary U.S. sources culminated in an investigation of U.S. "subversive" employes of UN by Sen. McCarran's Internal Security subcommittee. Some 25 staffers were questioned in public hearings; most of them declined to answer questions under protection of the Fifth Amendment Of these, four were dismissed, two suspended, and seven placed on compulsory leave.

The probe—plus a month-long stiff-continuing grand jury investigation along the same lines—put top UN officials on a hot spot, shattered the morale of UN personnel, challenged all basic tenets of UN's international structure. Lie assigned Feller to cope with the probers. Never under subpena himself, he was questioned frequently in the past month.

As the probe went on, McCarran's committee became more abusive of the UN; on Nov. 11 committee-member Willis Smith (D-N.C.) said:

> "It is up to the UN to help us purge it of spies and saboteurs, and if that can't be done, the UN ought not to be allowed to sit in America."

Sen. McCarran responded:

> "Senator, I agree with you heartily."

FELLER'S END: Next day the McCarran hearings were halted without explanation until after Jan. 1. McCarran issued a new demand that the UN

> ". . . clean its own house of Communists and subversive activities in the U.S. . . . Any citizen who lends himself to it ['world Communist conspiracy'] by any sympathetic attitude or by membership, borders on treason. It is time that it stopped. If drastic methods are needed to stop it, the sooner we resort to drastic methods the better."

The day after, Abraham H. Feller leaped to his death from his 12th-floor New York apartment. The N.Y. **Times** (Nov. 14) reported UN reaction:

> Members of the Secretariat, of all ranks, praised Mr. Feller . . . but their feelings of indignation against the McCarran Subcommittee was even stronger than their grief. It is their belief that the Subcommittee . . . actually is on the trail of all with a Left Wing or New Deal background.

POLITICS

Borough near 500,000 in California; new PP mark set

By Gene Richards
GUARDIAN staff correspondent

LOS ANGELES

A NEW third-party record was being established here as late returns on the vote of the Independent Progressive Party's Senatorial candidate Reuben Borough neared 500,000.

IPP candidates in local races were doing even better, percentagewise, particularly Negro and Mexican-American standard bearers who stressed the right of minorities to political representation. Here are latest (but not final) IPP returns:

HORACE V. ALEXANDER, for Congress, 26 CD, noted Negro leader, opposing machine-backed incumbent Sam Yorty (D): 21,344 votes, 12.4% of the total.

RAYMOND COX, for Assembly, L.A.'s 55 AD, opposing incumbent Vernon Kilpatrick (D): 5,735 votes, 18.3%.

MRS. IDA ALVAREZ, for Congress, 19 CD, in 3-way race: 13,529 votes, 9.6%.

MRS. MARY NATIVIDAD BARNES, for Assembly, San Fernando Valley's 41 AD: 5,383 votes, 11%.

OLIVE THOMPSON, for Congress, L.A.'s 23 CD, lathe operator opposing incumbent Clyde Doyle (D) running also on GOP slate, who collaborates with Un-American Activities Comm.: 19,965 votes, 11.2%.

BERT SHARP, for Congress, L.A.'s 24 CD, opposing incumbent Norris Poulson (R): 17,392, 13.1%.

MRS. MOLLIE GOSMAN, for Assembly, L.A.'s 56 AD: 9,274 votes, 12.4%.

The complete returns from Northern California are not yet in but there are indications of similar IPP strength:

ELDER HORACE TERRY, for Assembly, San Diego's 79 AD: an estimated 5,000 votes, 8%.

DR. BOLIVER B. MORE, Negro surgeon running for Alameda Co. Board of Supervisors, backed by IPP, scored the highest tally ever won by a Negro candidate in such a contest in the state: 15,000 votes, 42%. His district is mixed Negro and white.

NEGRO VOTERS: The Negro voter's dilemma was reflected in reports by many poll watchers in Negro communities that scores invalidated their ballots by voting for Stevenson, then scratching out Sparkman's name and substituting that of IPP's Charlotta Bass.

RAYMOND COX
18.3% of the vote

The voters adopted by 2-1, state propositions requiring loyalty oaths from public workers and officials, and denying tax exemptions and public employment to "subversive" groups and individuals. The IPP, AFL, CIO and Gov. Warren had opposed them. Another proposition granting tax exemptions to private parochial schools was passed. It had been presented as a move to aid schools for crippled children (already tax-free if non-profit).

NO HYSTERIA: Though the national Hallinan-Bass ticket polled roughly 2% in the state (about 70,000), local votes exceeding those of 1948 and 1950 were encouraging. The campaign turned up other values as well. Borough summed up:

> "We met no hysteria at our plant gate, street corner and open forum meetings. People were more tolerant than ever before and heard us through on the sharp issues of the campaign. Even where we knew we were not assured votes, we felt we had won friends and influenced the trend of thinking to come. Our campaigns, piercing a press and radio blackout, had begun to roll with real momentum, as the tallies showed."

Borough and other IPP candidates, boycotted by the big city press, found small town papers more objective; many printed interviews with IPP candidates.

THE MOOD: California's post-election mood is characterized by the consumer goods manufacturer who announced he would increase national magazine advertising because he was sure Eisenhower would prevent World War III; newspaper predictions that the House Committee on Un-American Activities would postpone at least to 1953 its next trip to L.A., where it had met such solid resistance; and a speech before American Legion Post 294 on Armistice Day by L.A. **Times** foreign affairs analyst Dr. A. T. Polyzoides:

> "I think, I hope, that within a few months, maybe weeks, this country will get to the point of exerting its will to bring about a real armistice."

GUARDIAN-conscious Md. gets good vote

ASIDE from California and New York, PP returns came slowly; in few cases were they officially tallied. GUARDIAN figures are based on PP officials' and correspondents' reports.

MARYLAND: AP reported incomplete count of 8,939 votes for the national Hallinan-Bass ticket; a PP tally put the vote at 7,700, about 80% of the Wallace-Taylor vote in 1948. The totals gave the PP "convention status" in some counties, making unnecessary future nomination by petition. In Baltimore the party had already qualified for convention status with 4,747 votes, an increase percentagewise over 1950 and 1951 local elections.

In 1949 Henry Wallace polled 7,300 in Baltimore, but 1952 breakdowns showed an increase over the Wallace vote in working-class wards, decrease in upper-income areas. Outside the city Wallace drew 2,700; Hallinan-Bass over 3,000. PP's Milton Bates wrote from Baltimore:

> The paper curtain operated in our state as effectively as elsewhere. In accounting for our successes a good part would have to be credited to the GUARDIAN—which maintained a readership of some 400 in the state, including a high percentage in the area outside Baltimore City. We are sure the excellent county vote is not unrelated to the job done by the paper. Believe me, one of the first post-election tasks will be to build, much more conscientiously than we yet have, a larger GUARDIAN readership and there is every reason for knowing that this can be done.

MASSACHUSETTS: PP returns for the national ticket are unofficially estimated at 5,000; with 7,500 for the PP gubernatorial candidate, Florence Luscomb. The Massachusetts PP within days after the election formed a "Committee to Collect on Election Promises" and issued a leaflet headed: "Remember Those Republican Pre-Election Slogans: Stop the Killing in Korea and Prosperity Built on Peace, Not War." The leaflet listed the latest casualty figures, described the peace sentiment behind the Eisenhower vote and included a coupon to be clipped and mailed. It was a note to the President-elect telling him the undersigned agreed with the slogans, wanted to see action on them: "The Korean war must be ended—not extended."

NEW JERSEY polled 5,000 for the national ticket; 7,500 for the PP senatorial candidate, Katharine Van Orden.

OTHER STATES: Tallies for the national ticket are estimated:

> Connecticut, 1,500; Washington, 3,200; Oregon, 3,500; Wisconsin (Milwaukee County only) 1,050; Minnesota: St. Paul, 265, Minneapolis, 400.

James Youngdale, progressive young farmer running for Congress from Minnesota on the Democratic-Farmer-Labor Party ticket, was formally disowned by state DFL leadership but polled more than 50,000 votes against his opponent's 70,000. He led the ticket in his home county with 5,300 votes. Eisenhower polled 5,500 in the county.

Florida progressives had to write in Hallinan and Bass and no reliable tally could be had of those who tried. Protest votes were seen, though, in the record number of 7,237 ballots cast for local candidates only, ignoring Presidential choices altogether. In 1948 Wallace polled 4,800 and 1,080 registered as PP voters with almost no independent voters. In Dade County (Miami) this year 352 registered PP (71 Negroes) but 1,140 registered as independents.

The vital Negro vote

Adlai Stevenson owes three of the nine states in his column (all south of the Potomac) to Negro voters. Louisiana, N. and S. Carolina all went Stevenson by margins narrower than the Negro vote. Negroes in the south were 95% Stevenson—in some cases out of local considerations as in N. Carolina where Stevenson seemed a champion against Dixiecrat pro-Eisenhower Gov. Byrnes.

DISTINGUISHED ENGLISH LAWYER SAYS: "AN OFFENSE AGAINST ALL STANDARDS OF ANGLO-SAXON JUSTICE"

D. N. Pritt analyzes the record of the Rosenberg 'atom spy

DENIS NOWELL PRITT, author of this brilliant analysis of the Rosenberg trial, is one of the veteran senior members of the English Bar: a Queen's (King's) Counsel since 1927. For many years a Labour MP and chairman of the Howard League for Penal Reform and the Bentham Committee for Poor Litigants, he presided in Sept., 1933, over the Reichstag Fire inquiry in London. The inquiry—unlike the Berlin trial—considered the evidence soberly, indicted Goering whom the world now knows to have been the real incendiary.

In presenting his analysis, Mr. Pritt writes: "I must state my qualifications for this work. In my 43 years as an English barrister I have had considerable experience both in trial and in Appellate work. In the latter, I have had to study in detail many hundreds of Records of cases from all parts of the British Empire and Commonwealth, including India, in all of which countries the procedure is very similar to that of the U. S. A.; and I have studied also a certain number of Records from the U. S. A. itself. To form an estimate of the value which the evidence given in the Rosenberg case should possess in the eyes of impartial lawyers trained in Anglo-Saxon legal traditions, is thus work of the sort to which I have devoted a large part of my time as a barrister.

"I have studied the Record carefully, putting aside as far as humanly possible anything I had previously learned about the case, and have reached certain conclusions about both the conviction and the sentence, which I will state fully, with my reasons for these conclusions."

THE indictment on which Julius and Ethel Rosenberg were tried was returned on Jan. 31, 1951, against five defendants in all—the two Rosenbergs, one Morton Sobell, one Yakovlev, and one David Greenglass. Greenglass pleaded guilty. The two Rosenbergs and Sobell pleaded not guilty and were tried together, the case of Yakovlev being severed.

The charge was that the five defendants named, together with one Harry Gold, one Ruth Greenglass, "and other persons unknown," had conspired over a period of six years, from June 6, 1944 to June 16, 1950,

> . . . the U. S. A. being there and then at war, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit the U. S. S. R., to communicate, deliver and transmit to a foreign government, to wit the U. S. S. R., and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the U. S. A.

It is well to explain at the outset what is the essence of the crime of conspiracy and why a charge of conspiracy to commit some crime or other is so frequently made, in lieu of a charge that the crime was actually committed. "Conspiracy" can be defined, sufficiently for present purposes, as an agreement between two or more people to commit a crime; it is itself a crime, and the crime of conspiracy is complete as soon as two or more persons have agreed in any way whatsoever, whether formally or informally, by words or by conduct, to commit some crime; it is not necessary for the prosecution to prove the commission of the ultimate crime nor even of acts amounting to an attempt to commit it.

It is thus in general easier to secure a conviction for conspiracy than for any other offense, for less has actually to be proved against the defendants; and prejudice or excitement may lead a jury to convict parties on a mere allegation that they agreed or arranged together to do something, under circumstances where, if it were necessary to prove some positive criminal act, the jury would have to acquit because there would be no evidence at all of any such acts.

To secure a conviction is moreover made easier still by the operation of a peculiar rule of evidence. In all normal cases no evidence can be given against any defendant in a criminal case except evidence of acts which he himself did or words which he himself spoke; but in a conspiracy case, so long as some evidence—however tenuous—is given from which an agreement between the alleged conspirators might be inferred, the acts and words of any of them, asserted to be done or spoken in pursuance of the conspiracy, are admissible evidence against all the others, on the footing that they are all agents of one another, and so responsible for each other's words and actions.

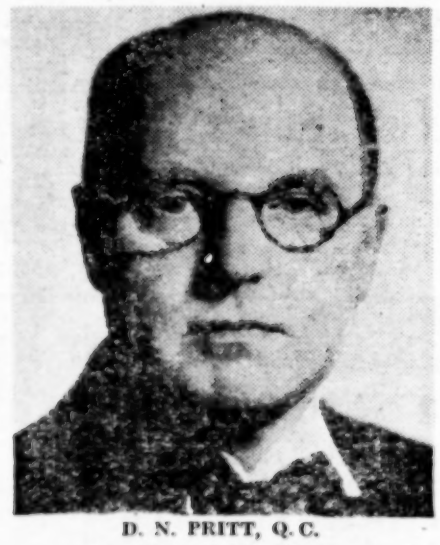
The Rosenbergs' 12 'overt acts'

IT is little wonder, in the circumstances, that in all periods of tension, in all countries, charges of conspiracy have been frequently made, and many defendants have been found guilty and sentenced to imprisonment, although little has been proved against them and no other crime could plausibly even be charged. The dangers, inherent in conspiracy charges, of convictions being reached on inadequate evidence are indeed so well recognized that the rule has been firmly established in most Anglo-Saxon jurisdictions, including that of the Federal Courts of the U. S. A., that "overt acts" demonstrating the conspiracy should be alleged in the indictment and proved.

Such overt acts are normally alleged pretty specifically, so that the defendants can really know what case they have to meet—and indeed, also, that the public may know the nature and weight of the case. I turn accordingly to study the twelve overt acts mentioned in the indictment in this case. They are in substance as follows:—

- That Julius Rosenberg visited a building in Washington, D. C., on or about June 6, 1944.
- That on or about Nov. 15, 1944, Julius Rosenberg and Ethel Rosenberg talked with Ruth Greenglass.
- That, five days later, Julius Rosenberg gave Ruth Greenglass some money in New York.
- That on the same day, Ruth Greenglass took a train from New York to Mexico.
- That, three weeks later, Julius Rosenberg went to a building in New York.
- That on the same day Julius Rosenberg received from Ruth Greenglass a paper containing written information.
- That on or about Jan. 5, 1945, in New York, Julius and Ethel Rosenberg talked with David and Ruth Greenglass.
- That, on the same day, Julius Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Jello" box.
- That five days later Julius Rosenberg introduced David Greenglass to a man in New York.
- That two days thereafter Julius Rosenberg talked with David Greenglass.
- That on the same day Julius Rosenberg received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.
- That, two days after that, David Greenglass took a train from New York to New Mexico.

It will be noticed that the not very informative "overt acts" of this six years' conspiracy are spread over, or rather confined to, a period of only seven months, and that the only persons named as taking part in them are the two Rosenbergs and David and Ruth Greenglass; the defendants Sobell and Yakovlev are not mentioned. It is not surprising that applications were made to the Court on behalf of Sobell for some enlightenment as to what was alleged against him; and it was finally alleged that he had joined the conspiracy on or about June 15, 1944, and five overt acts were alleged against him, namely that at some time in five separate months of 1946, 1947 and 1948, he had conversations with Julius Rosenberg!



D. N. PRITT, Q. C.

ETHEL & JULIUS ROSENBERG

The witnesses: who, what, why?

THE trial took place before Judge Irving R. Kaufman on 14 days in March, 1951. The prosecution put in a list of 112 witnesses, but in fact called only 22 of them, and one other.

The strength and weakness of the case depends, of course, on these witnesses, on their characters, on what they said, who they were, and what motives or interest they had; and it is thus of the greatest importance to know clearly all these points and to see exactly:

(1) What sort of a reliable case all witnesses between them were able to build up to establish that the Rosenbergs were guilty at all, and

(2) How serious anything was that the Rosenbergs were alleged to have done——and, above all, of course, whether what they had done merited the death penalty.

I turn at once to the evidence, adding only that, as I am dealing with the cases of the Rosenbergs, I will pay little attention to evidence which implicated only other persons, including Sobell, the only other person actually on trial with them.

Greenglass: 'terrible incentive for lying'

THE principal witness against the Rosenbergs was David Greenglass. There were an unusually large number of reasons for mistrusting his evidence. To begin with, he had pleaded guilty to the conspiracy for which the Rosenbergs were being tried, but had not yet been brought up for sentence; thus, he might hope, and he expressly said that he did hope, to obtain some advantage for himself as a result of giving evidence against the Rosenbergs; for the Court might ultimately give him a light sentence, and even if it gave him a substantial one, the Government might well remit much or all of it. He thus had a strong motive to "pile it on." In addition, he was, of course, fully established by his plea of guilty, by his evidence, and by surrounding circumstances (such as his possession of substantial sums of money which could only be explained on the basis that he was telling the truth when he said that he was selling military secrets for money), to have been a party to a conspiracy which both he himself and the prosecution described as a most serious one.

He thus fell into the class of "accomplice" witnesses, those who, in the old English phrase, "turn Queen's evidence." Such witnesses are universally regarded as highly unreliable, not merely because they are self-confessed criminals, and are betraying their associates, but far more because it is dangerously easy for them to implicate falsely, for some pay off some "score," or for any o took no part in the crime.

They are in a position to tell true, and thus much easier to tell liar in cross-examination; but at that story one limited but serious that some accused pers[illegible]ook p nothing to do with it; and, if any it would be that the accused was that it would be natural for them

Accomplices, moreover, as I ha have in many cases a very direct accused persons as deeply as possib a reward of their betrayal of their in proving an alleged offense which at all, either a lighter sentence from by the Government of whatever se both. This provides so terrible an in a danger of convictions on untrustw tically all of the many hundreds of

which I have had to investigate in been minimized either by giving t before he gives evidence, or by se so; and even then the need for cor independent witnesses, free from t ways emphasized.

As an accomplice witness, David possible position; he had been neit and he knew that so soon as the of Sobell had been disposed of he When he did come up, his Counsel ness-like plea to the effect that, could have some confidence that th ently, they would not betray their as would therefore not secure convictio help it should give help. It should the back"; he should be praised, no Greenglass was, however, given a se ment and his only chance of not hope of leniency from a grateful go

'To save his

THE peculiarities of David Greeng do not end with this already it has to be added that Ethel Ro pushing towards a sentence of dea who had always befriended and he berg, whom he was treating in the and thus his brother-in-law. To sa willing to give evidence against his (It was also clear, if not perhaps ve been long disagreements between hi a business in which they[illegible]re pa from the army, which e[illegible]tuated to bring civil proceedings against J

Nor was that quite all; for Ru indictment as a party to the conspir not actually indicted, but standing some subsequent time, was David's w her dearly. Nevertheless, in the co he had with the FBI, in which he bered it, the whole of his story, h interview the full tale of his own conspiracy in which he himself, a With such an equipment, David G as a man on whose evidence it woul one, but his evidence must of cours

His version of how he came to

spy' trial

y, for some benefit to themselves, or to
for any other reason, one who in fact
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sier to tell without being exposed as a
n; but at the same time to insert into
t serious falsity, namely, the assertion
book p[illegible]n it when in fact he had
d, if anything could make this easier,
cused was related to the accomplice so
for them to meet from time to time.
er, as I have mentioned shortly above,
very direct motive for implicating the
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al of their associates, and for their help
nse which could not be otherwise proved
ntence from the Court, or some remission
whatever sentence is passed on them, or
rible an incentive for lying, and so great
n untrustworthy evidence, that in prac-
ndreds of cases of "accomplice evidence"

vestigate in my practice the danger has
by giving the accomplice a free pardon
e, or by sentencing him before he does
eed for corroboration of his evidence by
free from the taint of complicity, is al-

ness, David Greenglass was in the worst
d been neither pardoned nor sentenced,
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his Counsel made an eloquent and busi-
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nce that they would be dealt with leni-
ray their associates, and the Government
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p. It should give Greenglass "a pat on
praised, not punished, said his Counsel.
, given a sentence of 15 years' imprison-
nce of not serving this fully lies in the
grateful government.

ave his own skin'

vid Greenglass as a witness in this case
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t Ethel Rosenberg, whom he was thus
ence of death, was his own elder sister
ded and helped him; and Julius Rosen-
ting in the same way, was her husband
-law. To save his own skin he was quite
against his sister and his brother-in-law.
perhaps very important, that there had
between him and Julius Rosenberg over
[illegible]re pa[illegible]rs after his demobilization
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gs against Julius.)
all; for Ruth Greenglass, named in the
the conspiracy, for some unstated reason
t standing in peril of being indicted at
as David's wife, and he professed to love
, in the course of the many interviews
which he told bit by bit, as he remem-
his story, he betrayed in the very first
of his own wife's participation in the
himself, at any rate, was taking part.
t, David Greenglass might be regarded
nce it would not be safe to convict any-
st of course be examined.
he came to take part in the conspiracy

was that his wife went down from New York to the neighborhood of Los Alamos, where he was working as a machinist, to take him a message—as she alleged—from Julius Rosenberg, inviting him to take part in espionage, and that by the morning of the following day he had decided to do so! And, at a later stage, when according to him Julius Rosenberg warned him that he was in danger of arrest and ought to leave the country, he accepted from Rosenberg sums amounting to $5,000 in cash to enable him to do so; he stated on oath that he never had any intention of leaving, and that he concealed his intention from Rosenberg but nevertheless accepted and retained the money. He had, he added, such a distaste for the money that he wanted to flush it down the lavatory, but changed his mind and used it to hire Mr. O. John Rogge as his lawyer instead.

'No sort or kind of corroboration'

THE nature of his evidence against the Rosenbergs lent itself to no sort or kind of corroboration. It consisted of accounts of conversation with them, at which no third party was present, and of occasions on which he said that he furnished to the Rosenbergs sketches and written descriptions of processes and material objects such as lenses.

None of the alleged sketches or descriptions was produced, but Greenglass prepared—four or five years after the alleged incidents, from his own unaided memory—what he said were reproductions of the material, and these were put before the jury. Whether his limited education made it possible for him to do anything of this sort accurately is a matter for scientists rather than lawyers; but from the point of view of a lawyer it can be said that such reproductions, from even the most reliable of witnesses, would add little or nothing to their evidence and could not in any way constitute corroboration.

I pass over a number of minor points in his evidence which were designed to implicate one or both of the Rosenbergs, because examination of all of them shows that there is nothing in them to constitute any corroboration of his story; and it remains true that not one word of his story against them was corroborated by anybody but his wife, nor by any circumstance or material object.

It is my considered professional opinion that a conviction based upon such evidence from such sources, without independent corroboration, cannot be regarded as reliable and should not be sustained. That not merely a conviction but a sentence of death should be based upon such evidence runs counter, in my opinion, to all normal standards of criminal procedure and of the administration of justice. I have myself appeared in many "accomplice" cases where convictions on evidence much less objectionable than this were set aside by appellate courts on the grounds that the accomplice evidence should not be accepted.

Importance of 'secrets' never shown

I SHOULD add that, even if the evidence were regarded as providing a reliable basis for conviction, there would still be lacking, in my humble opinion, any good reason for imposing or upholding a death sentence. Such a sentence could surely only be justified if it were clear that the secret information involved was of the utmost importance.

Scientists may be able to express expert views on the value or absence of value of what the witness, David Greenglass, alleges that he communicated to the Rosenbergs, and, in particular, to tell us whether the information was old or new; whether it revealed or conveyed what is called "the secret of the atom bomb"; whether it was of such a nature that a foreign country which could not have developed the atom bomb without it was thereby enabled to do so; and, finally, whether David Greenglass was sufficiently educated technically to be able to understand, remember and communicate it; all that a lawyer can say upon it is that there is no real evidence in the Record to show that it was of very great value. In general, in charges of espionage, there is expert evidence to show exactly why the information is important; but in the present case only two scientific witnesses gave evidence on this topic, and they said little. The evidence of the first of them, a Dr. Koski, read as a whole, constitutes no proof at all that there was any particular importance in what David Greenglass learnt; it shows merely that the information was secret and that an expert, seeing what Greenglass alleges he had taken, "would know what was going on at Los Alamos." The other witness, a Mr. Derry, stated that the description and the sketch given by Greenglass "related to the atom bomb which was in the course of development in 1945," and "demonstrated substantially and with sufficient accuracy the principle involved in the operation of the 1945 atomic bomb"; and, further, that an expert could perceive from this information, to a substantial degree, what the actual construction of the bomb was. He added that the information was classified as "top secret"; but he said nothing as to how many people already knew as much, or how easy or how difficult it would be for other people to find it out by their own researches; he said, indeed, nothing more specific than that, so far as he knew, no foreign government other than those of Britain and Canada knew as much in 1945 about the development and structure of the atomic bomb as the American scientists knew. (Another witness, a Mr. John Lansdale, Jr. was also asked "to establish the authenticity of the information that Greenglass gave"—i.e., said he gave—"to Rosenberg," but after a discussion between Counsel and the judge the question was abandoned.)

Accordingly, while scientists can plainly make more effective comment than I can on this part of the evidence, I can assert as a lawyer that there was nothing in it to show that the information which David Greenglass claimed to have communicated to Julius Rosenberg was of any especial value or danger, such as to justify on any view the death penalty.

David Greenglass's wife, Ruth, whose position has already been explained, also gave evidence, which followed pretty closely that of her husband, and is equally devoid of any corroboration. It does not call for separate study; her hopes and fears for herself and her husband, her readiness to confess to crime and to implicate relatives in that crime, do not differ from her husband's. In a sense she can be said to corroborate her husband, but this could not be regarded as independent corroboration.

Witness who was 'scared to death'

THE evidence of the two Greenglasses was almost the only evidence against the Rosenbergs; but it is necessary just to examine what other evidence there was. I begin with Max Elitcher, a man who had worked in the Bureau of Ordnance of the Navy Dept. He was mainly a witness against the other defendant, Sobell, but he did say that on three occasions Julius Rosenberg asked him to obtain confidential information for him for Soviet purposes. He said, however, that he had not done so; and it is noticeable that none of the "overt acts" alleged against the Rosenbergs in the indictment covered the interview related by Elitcher; he said, moreover, in cross-examination, that two of his three meetings with Rosenberg were merely social.

Elitcher made it quite plain that he himself was an accomplice. As he said, "I was part of it." He admitted, too, that he had told lies under oath, and that, being "scared to death," he had told the FBI "everything he knew"—although he had lied to them too—in the hope that he might "come out the best way" and that "nothing would happen to him." For some unexplained reason, he was neither indicted nor even mentioned in the indictment as a co-conspirator. It is obvious that his evidence can add practically nothing to that of the Greenglasses; it is of little volume and of almost equally poor quality.

Of the remaining 17 prosecution witnesses, only four gave evidence of anything the Rosenbergs were alleged to have said or done. Dorothy Abel, the sister of Ruth Greenglass, gave evidence that she had once been asked to leave the room whilst her sister talked with Julius Rosenberg and that the latter had once in her presence praised the Soviet system and described the U.S.A. as "capitalistic"! A Dr. Bernhardt, Julius Rosenberg's physician, proved that Rosenberg asked him in 1950 what inoculations were needed for anyone entering Mexico. Two other witnesses, a Mrs. Cox and a Mr. Schneider, gave evidence "in rebuttal," after the close of the defendants' case, about the Rosenbergs on points that may fairly be left unmentioned as trivial. The remaining 13 witnesses either gave no evidence at all that bore on the Rosenbergs, or merely mentioned their name as hearsay.

Thus, the prosecution case against the Rosenbergs rested on the evidence of three persons, two of them husband and wife, and all of them unreliable as accomplices and for other reasons too. There was no corroboration of their story by any independent witness; no detective or other police official, let alone any member of the general public, was called to say that either of the Rosenbergs had ever said or done anything in their presence or hearing. Notwithstanding police searches of their home, no line of writing of any kind that they had ever written, received, or even seen, was adduced. There was nothing of any kind in evidence against them except what the two Greenglasses and Elitcher had said. I am unable to believe that, if the case had not involved political topics or had not been heard at a period when hysteria and prejudice played so strong a role, evidence so weak would have been put forward by the prosecution in any country in the world which followed the Anglo-Saxon traditions and procedure. I think that under those conditions any Court would almost certainly have withdrawn the case from the jury. But this case was allowed to go to the jury and the Rosenbergs were not only convicted but were sentenced to death.

The Rosenbergs, who at every stage asserted their innocence, gave evidence and called two other witnesses; these latter dealt with points which can fairly be registered as unimportant. In a study designed to examine the strength or weakness of the prosecution case which the jury accepted, what the Rosenbergs themselves said is not of quite such importance as what the prosecution did or did not prove; but it remains true that they did give evidence, being of course submitted to cross-examination and answering fully and consistently everything that was alleged against them. Nothing was established against their character, unless it be that they had talked of the Soviet economic system, had thought that the Soviet Union was at one stage bearing the brunt of the Second World War, and had had in their possession a collecting box for Spanish refugee children.

Judge's 'very shocking ' comments

I MUST say a little about the conduct of the trial. The prosecution, both in the opening statement of the prosecuting attorney and throughout the evidence, repeatedly made play with the alleged Communist connections of the Rosenbergs; the usual "warning" was given that of course communism is not evidence of conspiracy or of espionage, and was immediately nullified by the assertion—wholly unproved—that Communists are more likely to commit espionage than other people. The atmosphere of the case, as one can see from the observations in the Record alone, was indeed such that the mere suspicion of communist affiliation was almost enough of itself to make conviction certain. (Much the same comment must be made about questions and assertions on the point that the information was alleged to have been obtained on behalf of the Soviet Union, and indeed on any suggestion of any kind in favor of that country or of anything in it. I get from the Record the impression that both communism and the U.S.S.R. were such "red rags to a bull" that the bare mention of them, whether justifiable as relevant to the charges or not, of itself made it extremely difficult to secure a fair and judicial consideration of the evidence, or of the case generally.)

From a purely English point of view, it is noticeable that the trial judge at times treated the defense counsel with considerable abruptness and discourtesy, and at almost all stages of the cross-examination of the main prosecution witnesses, was harrying them to cut short their cross-examination.

The last and perhaps the most serious comment I have to

(Continued on Page 6)

D. N. Pritt's analysis

(Continued from Page 5)

make concerns the observations of the judge when passing sentence. Having regard to what little evidence of any kind had been given against the Rosenbergs, it is very shocking to a lawyer brought up under the Anglo-Saxon system, in which judges should deal with what is proved in evidence and nothing else (apart from the very narrow field in which judges may take "judicial notice" of indisputable facts, like the days of the week and the seasons of the year), to read some of the statements made by the judge when passing sentence, presumably by way of expressing his reasons for deciding to impose the death sentence instead of sentence of imprisonment.

To begin with, it should be noticed, although it is far from being the most seriously objectionable of his remarks, that he made somewhat extravagant comments on "Russian terrorism" and on the administration of justice in the U. S. S. R.; he said, in short, the sort of things that one is accustomed to read in the more irresponsible newspapers, things which some of the less thoughtful readers may be led to believe. One might have hoped that persons holding high judicial office would have been less gullible; but in any case, these observations, made by the judge of an important court when passing sentence of death, were not merely inaccurate; they were unsupported by any evidence and were wholly irrelevant. That the judge behaved in this way may indicate that anti-communist and anti-Soviet hysteria has gained such ground for the moment in the U. S. A. that it is difficult if not impossible to secure a fair and dispassionate trial of a political case involving either communism or the U. S. S. R.

Duty rests on world public opinion

BUT these remarks by the judge are, alas, not the worst part of the matter. He went on to treat the case as if the information which the Rosenbergs were said to have communicated to the U. S. S. R.—of the value of which, as I have already mentioned, there was no real evidence—had been established to be of the most fundamental importance. He began, for example, with the assertion that what the Rosenbergs had done "has already caused, in my opinion, the Communist aggression in Korea" (about which, of course, there was once again no evidence.) He went even further and based his determination on sentence on the wholly unproved assumption that the Rosenbergs had obtained from David Greenglass and given to the U. S. S. R. just the vital information that enabled that country to develop the atom bomb, which it could not have achieved without that information. The Rosenbergs had thus, as he put it, "altered the history of the world" to the injury of the U. S. A. (Incidentally, although it could have been alleged in the indictment that the conspirators had acted with intent to injure the U. S. A., no such allegation was pleaded.)

I am forced to the conclusion that, even if the conviction of the Rosenbergs had rested on reliable evidence that they had conspired to obtain some information, any sentence expressed by the judge to be based on such inaccurate and unproved assertions as to the importance of the information would have to be set aside on appeal under any procedure which provided for a free review of the sentence by an Appellate Court.

Unfortunately, the procedure applicable to this case does not provide for such a review, any more than it provides for a consideration of the credibility of the witnesses or the reliability of the evidence. Were the procedure different, it may well be that the whole matter would have been disposed of already. But there is, in effect, no appeal at all to any court from either of the two main defects of this trial, namely, the unreliability of the evidence and the gravely excessive sentence.

The duty of securing a review on these points thus rests on public opinion through the world. After full study, for the reasons which I have expressed above, I must express the view, from a purely professional standpoint, that it would offend against all Anglo-Saxon standards of justice that the convictions, let alone the sentence, of the Rosenbergs should be allowed to stand.

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Small nations press U. S. on Korea

(Continued from Page 1)

flank. . . . In the papers you read they were finally pushed back. That's a lie. They walked back. . . . Here was the score: 12 killed and about 45 seriously wounded and about 50 walking wounded. . . . [Of the Chinese], we found 12 seriously wounded . . . and 16 dead. They could have marched a parade through the hole the Chinese made. . . .

INDIA STILL TRYING: An indication that correspondents were being briefed by the army as to what Eisenhower would be told in Korea, by way of a trial balloon to test U.S. public reaction to extending the war, was seen in a curious similarity between by-lined "forecasts." Two of them—Ed Murrow's CBS broadcast (GUARDIAN, 11/13) and a **U.S. News** report datelined Tokyo (11/14)—used almost identical phrases.

By last week Mexico, Peru, Pakistan, India and Israel had each submitted to UN compromise proposals to end the POW deadlock. India suggested freeing all POW's on an island off Korea whence those wishing to go home would be speedily repatriated, while others would remain under supervision of a UN commission with transportation available whenever they changed their minds.

India's Mme. Pandit, sister of Premier Nehru, told the delegatess:

"Until the issue of Chinese representation is settled in accordance with the actual facts of the situation, our discussions here must continue to be unreal. Even on such general problems as the reduction of armaments and of armed forces, the absence of the representative of China seems to us to be a serious limitation."

ASIANS, ARABS DISSENT: In discussions proceeding simultaneously in most UN committees, the question of the colonial peoples' struggle for independence was uppermost, with Africa as the main point of focus. While S. African Premier Malan continued his race-discrimination policies despite an adverse Appellate Court ruling over disfranchisement of the 48,000 voters of mixed race, S. African delegate Jooste denied UN's right to discuss the issue. The U. S. also opposed discussion.

In Kenya, dangerous ferment continued as British troops conducted man-hunts for 'native terrorists"; in Tunisia, the Bey of Tunis' advisory committee unanimously supported his stand against the French government; but UN's right to discuss such issues was flatly denied by Foreign Ministers Eden and Schuman.

Under pressure from the Asian and Arab countries, the issues continued to be discussed.

CALENDAR

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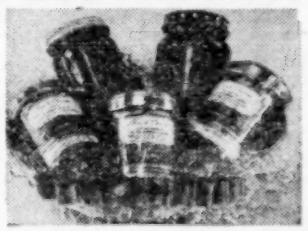

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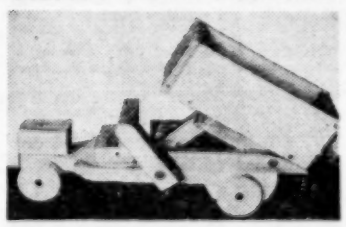

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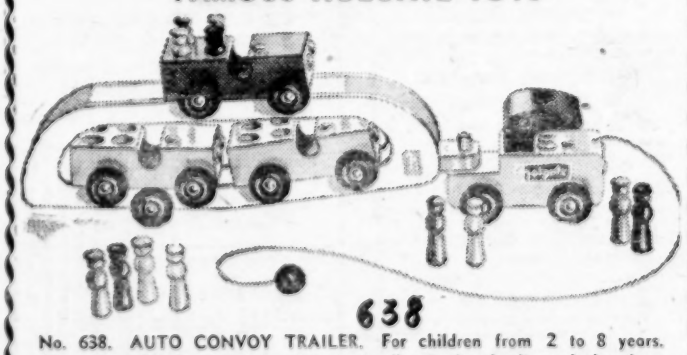

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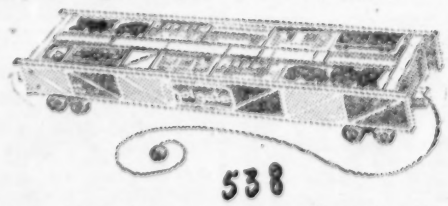

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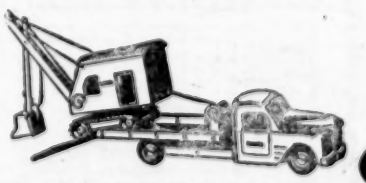

Truck has removable loading skid, crank operated winch with steel chain. Hood raises to reveal "Fireball" motor. Steam shovel's cab revolves, crank controls automatic unloading. 21½" long. Truck has rubber wheels; steam shovel has rubber tractor treads. All steel.
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